IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 9132 of 2005

Between:

G. Ranga Rao, S/o. of late G. Agam Rao,
Resident of H.No. 1-7-709, Hanmakonda, Warangal District.

..... PETITIONER

AND

1 The Recovery Officer, Employees Provident Fund Organisation, APFC, Balasamurdram, Hanmakonda, Warangal District.
2 The Assistant Commissioner, Provident Fund Sub-Regional Office, Balasamudram, Hanmakonda, Warangal District.
3 The Commissioner of Provident Fund, Barkatpura, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of certiorari- a) Calling for records pertaining to the proceedings issued by the 1st Respondent in the capacity of 2nd respondent in No. AP/SRO/WGL/ENF/REC/ 21937/KRN/2005/06, dated 30-3-2005. b) declare the same as illegal, arbitrary and unconstitutional apart from being violative of principles of natural justice and against the material on record; consequently c) quash the same and d) pass such other order or orders as the Hon'ble Court deem fit, proper and appropriate in the circumstances of the case

Counsel for the Petitioner: MR.NANDIGAM KRISHANA RAO

Counsel for the Respondent No.: .

The Court made the following :

ORDER :

This writ petition is filed aggrieved by the order passed by the 2nd respondent dated 30-03-2005 whereunder the petitioner was called upon to remit a sum of Rs.85,193/- assessed towards the PF contributions for the period from June, 1992 to August, 1998 within 15 days, failing which he will be committed to civil prison as provided under Section 8-B to 8-G of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (for short, 'the Act') without further notice.

It is not in dispute that the 2nd respondent passed an order under Section 7-A of the Act determining that a sum of Rs.85,193/- is due towards the PF contributions from M/s. Bharat Rice Mill, Huzurabad, Karimngar District, represented by the writ petitioner as the Managing Partner. The petitioner states that he is in no way concerned with the said Rice Mill. As can be seen from the material on record, earlier he filed W.P.No.9283 of 2004 questioning the proceedings issued by the 2nd respondent seeking to recover the said amount from the petitioner on the ground that he is the Managing Partner of M/s. Bharat Rice Mill, Huzurabad. The said writ petition was disposed of granting liberty to the petitioner to file a representation before the 1st respondent in which event the same shall be considered by the 1st respondent and appropriate orders be passed in accordance with law. In terms of the order in the said writ petition, the impugned order has been passed which is under challenge in this writ petition on various grounds.

When the matter is taken up for consideration, the learned Standing Counsel at the outset raised an objection as to the maintainability of the writ petition on the ground that an efficacious alternative remedy of appeal is available under the Act.

The learned Counsel for the petitioner states that since the 2nd respondent failed to consider the material placed by the petitioner and passed the impugned order even without verifying the admitted signature with that of the alleged signature of the petitioner on Form-VA, the matter requires reconsideration by the 2nd respondent himself in exercise of powers of review under Section 7-B of the Act.

It is always open to the petitioner to work out the appropriate remedy as available under the Act, but no case is made out to entertain the writ petition at this stage.

Accordingly, without expressing any opinion on merits, the Writ Petition is disposed of granting leave and liberty to the petitioner to work out the appropriate remedy as available under the Act for redressal of his grievance. However, having regard to the facts and circumstances of the case, there shall be a direction to the respondents that the impugned order dated 30-03-2005 shall not be given effect to for a period of two weeks from today.

The Writ Petition is accordingly disposed of. No costs.

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28th April, 2005.

gbs

To

1 The Recovery Officer, Employees Provident Fund Organisation, APFC, Balasamurdram, Hanmakonda, Warangal District.

2 The Assistant Commissioner, Provident Fund Sub-Regional Office, Balasamudram, Hanmakonda, Warangal District.

3 The Commissioner of Provident Fund, Barkatpura, Hyderabad.

4 2 CD copies

5 1 CC to MR.NANDIGAM KRISHANA RAO

6 1 CC to SMT.CHINTALAPUDI LAKSHMI KUMARI